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7 AMERICAN CIVIL LIBERTIES UNION
8 OF NORTHERN CALIFORNIA,
9 Plaintiff,
10 v.
11 DEPARTMENT OF JUSTICE,
12 Defendant.

Case No. [13-cv-03127-MEJ](#)

**ORDER RESCHEDULING HEARING
AND DIRECTING PARTIES TO FILE
JOINT STATEMENT**

Re: Dkt. Nos. 35, 36

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13 Pending before the Court are the parties' cross-motions for summary judgment regarding
14 Plaintiff's Freedom of Information Act request. Dkt. Nos. 35 & 36. In the course of briefing their
15 motions, the parties have commendably resolved many of their disputes. However, in doing so,
16 the record is now somewhat unclear as to which precise materials are still in dispute. To clarify
17 the record, the Court ORDERS the parties to meet and confer and thereafter file a joint statement
18 by February 17, 2015 clarifying the materials still in dispute. The joint statement must contain,
19 but is not limited to: (1) the CRM bates number for each disputed document; (2) the *Vaughn*
20 Index's corresponding description of that document; and (3) the exemption claimed for the
21 document, as labeled in the *Vaughn* Index, *e.g.*, "(b)(5)(AWP)." 22

22 Additionally, having carefully reviewed the parties' current submissions, the Court now
23 ORDERS Defendant to file no more than two additional declarations or affidavits clarifying and
24 supporting its position on its claimed exemptions for the materials identified in the parties' joint
25 statement. *See Pollard v. F.B.I.*, 705 F.2d 1151, 1154 (9th Cir. 1983) (the court may require the
26 government to submit more detailed public affidavits before resorting to *in camera* review of the
27 documents; "[b]y doing so, the district court will insure that the record made is 'as complete a
28 public record as is possible'"). Plaintiff may also file a declaration or affidavit clarifying its

1 position as to the materials identified in the parties' joint statement. All such
2 declarations/affidavits must be filed by February 17, 2015.

3 In light of the above, the hearing set for February 5, 2015 is hereby vacated and
4 rescheduled for March 5, 2015 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate
5 Avenue, San Francisco, CA 94102.

6 **IT IS SO ORDERED.**

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8 Dated: February 3, 2015

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11 MARIA-ELENA JAMES
12 United States Magistrate Judge
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